

## **REMARKS**

### **Amendments to the Specification**

Regarding item (4) on page 2 of the Office action, the Applicants have amended paragraph [0001] to reword the claim to priority. The Applicants respectfully submit that no new matter is added by this amendment.

### **Amendments to the Claims**

Claims 1 and 17 have been amended to more clearly define the claimed subject matter. The Applicants respectfully submit that no new matter is added by these amendments.

Claims 2, 12, 16, 30, and 31 have been amended to correct noted minor typographical errors, and to add the text “the following:” for reasons not related to patentability, but to comply with an intervening change in the law. Please see *SuperGuide Corporation v. DirecTV Enterprises, Inc., et al*, 358 F.3d 870 (Fed. Cir. 2004). The Applicant submits that no new matter has been added by these amendments.

Claims 4, 8, and 11 have been amended to correct noted minor typographical errors. The Applicants respectfully submit that no new matter has been added by these amendments.

Claims 10 and 25 have been amended for antecedent basis reasons to change “mobile handset” to “electronic device”. The Applicants respectfully submit that no new matter has been added by these amendments.

Claims 14, 20, and 23 have been amended to add the text “the following:” for reasons not related to patentability, but to comply with an intervening change in the law. Please see *SuperGuide Corporation v. DirecTV Enterprises, Inc., et al*, 358 F.3d 870 (Fed. Cir. 2004). The Applicant submits that no new matter has been added by these amendments.

Claim 29 has been amended for antecedent basis reasons to change the text “update agent” to read “at least one of a plurality of update agents”, to correct noted minor typographical errors, and to add the text “the following:” for reasons not related to patentability, but to comply with an intervening change in the law. Please see *SuperGuide Corporation v. DirecTV Enterprises, Inc., et al*, 358 F.3d 870 (Fed. Cir. 2004).. The Applicant submits that no new matter has been added by these amendments.

### **Drawing Objections**

The Office Action objects to the drawings of the Application under 37 C.F.R. §1.83(a), stating that the drawings must show every feature of the invention specified in the claims. The Applicant respectfully requests reconsideration of the drawings in light of the following remarks.

Regarding claim 1, the Office Action states that “[t]he diagrams are silent as to the presence of an electronic device network.” The Applicants respectfully disagree. For example, the diagram of Figure 1 illustrates communication between the mobile device (107) and the device servers A (135) and B (137). In support of Figure 1, the Specification describes, for example in paragraphs [0046], that “Figure 1 is a block diagram of an electronic device network 105”, and that “mobile handset 107, may be communicatively coupled to at least one of a plurality of device servers, such as device server A 135 and device server B 137, for example.” Therefore, the Applicants respectfully submit that for at least the reasons given above, the limitations of claim 1 are illustrated in the drawings of the Application. In light of the above, the Applicants respectfully request that the objection to the drawings under 37 C.F.R. §1.83(a) with regard to claim 1 be withdrawn.

Regarding claim 5, the Office action states that “the drawings fail to depict the technique of implementing the OTASP and OTAPA activities.” The Applicants respectfully disagree. The Applicants respectfully submit that the techniques of OTASP (over-the-air service provisioning) and OTAPA (over-the-air parameter administration) for the provisioning and administration of wireless service are well-known to those of skill in the relevant art, and are frequently used with cellular handsets, for example. Paragraphs [0044]-[0046] of the Application, for example, describe the mobile handset 107 of Figure 1 as an “electronic device”, and that “an electronic

device may be, for example, a mobile electronic device having software/firmware, such as, mobile cellular phone handsets.” Techniques for performing the OTASP and OTAPA activities related to the provisioning and administration of wireless service for various air interfaces are described in numerous standards documents whose existence and whereabouts are well-known to those of skill in the relevant art. The Examiner is referred to TIA/EIA IS-725A (1997), for example. Therefore, the Applicants respectfully submit that for at least the reasons given above, the limitations of claim 5 are illustrated in the drawings of the Application. In light of the above, the Applicants respectfully request that the objection to the drawings under 37 C.F.R. §1.83(a) regarding claim 5 be withdrawn.

### **Rejections of Claims**

Claims 1 – 31 are pending in the Application. Claims 1 and 17 are independent claims. Claims 2-16 and 18-31 depend, respectively, from independent claims 1 and 17. The Applicants respectfully request reconsideration of the pending claims 1-31, in light of the following remarks.

Claims 2, 4-5, and 20 were rejected under 35 U.S.C. §112, second paragraph. The Applicants respectfully traverse the rejection.

As an initial matter, the Applicants wish to point out that the Office action states “since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass.” (See Office action item (7), page 3) The rejection lists four claims: 2, 4-5, and 20. The Applicants respectfully submit that claims 2 and 4-5 are dependent claims depending from independent claim 1, which recites an electronic device network, not a method/process as alleged in the Office action. The Applicants are uncertain as to meaning of asserting such a rejection against claims 2 and 4-5, and assume that the statement is made with respect only to claim 20.

Regarding claim 2, the Applicants respectfully submit that the term “number assignment module”, also abbreviated as “NAM”, is commonly known to those of ordinary skill in the relevant art. The term “number assignment module” may be defined as an electronic module in a cellular phone which associates the MIN (Mobile Identification Number) with the ESN (Electronic Serial

Number). (See e.g., Newton's Telecom Dictionary, 14<sup>th</sup> Edition, Flatiron Publishing, 1998, page 476). The concept of a number assignment module may, for example, be embodied in the form of a subscriber identity module (SIM) card, and may be used with cellular phones that employ other handset identifiers such as the International Mobile Equipment Identifier and the International Mobile Station Identity (IMSI), for example. The Applicants respectfully submit that the activities of provisioning/programming a number assignment module may be accomplished using, for example, over-the-air techniques such as "over-the-air service provisioning" (OTASP) and "over-the-air parameter administration" (OTAPA) for the provisioning and administration of wireless service, that are well known to those of skill in the relevant art, as discussed above. For at least the above reasons, the Applicants believe that claim 2 meets the requirements of 35 U.S.C. §112, second paragraph, and submit that claim 2 is in a condition for allowance. The Applicants therefore request that the rejection regarding claim 2 under 35 U.S.C. §112, second paragraph, be withdrawn.

Regarding claim 4, the Office action states that "it's not clear what programming does 'number assignment module' do to the provisioned data unit?" The number assignment module (NAM) (133) is shown and described in the Application as a component of the provisioned data unit (129) (See e.g., Fig. 1 and para. [0048]-[0052]) A purpose of the "number assignment module (NAM) 133" was given above with respect to the rejection of claim 2. Paragraphs [0050]-[0052], for example, state that "[t]he provisioned data 129 may comprise update agent provisioning information 131 and a number assignment module (NAM) 133", that "[t]he provisioned data 129 in the mobile handset 107 may be used to store information related to an end-user's electronic device subscription and the provisioned data 129 **may** be programmed during NAM programming activity". (emphasis added) The Application does not state a requirement that the provisioned data (129) be programmed **during** NAM programming activity. Paragraphs [0050]-[0052] also state that "[t]he provisioned data 129 may also be used to store update agent related provisioning information", and goes on to say that "[e]ach update agent, such as update agent A 113 and update agent B 115, may have corresponding entries in provisioned data 129." For at least the above reasons, the Applicants believe that claim 4 meets the requirements of 35 U.S.C. §112, second paragraph, and submit that claim 4 is in a condition for allowance. The Applicants therefore request that the rejection regarding claim 4 under 35 U.S.C. §112, second paragraph, be withdrawn.

Regarding claim 5, the Office action states that “it’s not cleared [sic] what does the OTASP and OTAPA has anything to do with the number assignment module?” The Applicants respectfully submit that the use of over-the-air service provisioning (OTASP) and over-the-air parameter administration (OTAPA) in provisioning and programming number assignment modules (NAMs) in regards to the provisioning and administration of wireless service is well know to those of ordinary skill in the relevant art, as discussed above with respect to claims 2 and 4. The Applicants respectfully disagree with the Examiner’s assumption that “the number assignment module assigns a number for a particular update (a patch).” (See Office action item (7), page 3) The Applicants respectfully submit that uses and provisioning of number assignment modules are well known, that such an assumption is not supported by knowledge commonly available to those of skill in the relevant art, and is in error. For at least the above reasons, the Applicants believe that claim 5 meets the requirements of 35 U.S.C. §112, second paragraph, and submit that claim 5 is in a condition for allowance. The Applicants therefore request that the rejection regarding claim 5 under 35 U.S.C. §112, second paragraph, be withdrawn.

Regarding claim 20, the Office action rejected claim 20 based upon the same grounds presented for the rejections of claims 2 and 4-5. No basis for rejection was specifically identified with respect to claim 20. However, based upon the reasoning given above, the Applicants assume that the statement in the Office action “since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass” is meant to apply only to claim 20. (See Office action item (7), page 3) The Applicants believe, based upon the reasoning provided above with respect to claims 2 and 4-5, that claim 20 meets the requirements of 35 U.S.C. §112, second paragraph, for the same reasons given above with respect to claims 2 and 4-5, and submit that claim 20 is in a condition for allowance. The Applicants therefore request that the rejection regarding claim 5 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1-7, 9-11, 15-20, 22, and 24-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Parixit Aghera et al., US2004/0098715A (hereinafter “Aghera”). The Applicants respectfully traverse the rejection. Regarding amended claim 1, the Applicants respectfully submit that the Aghera reference does not teach, suggest, or disclose, for example, an electronic

device network, the network comprising a plurality of servers, and a plurality of electronic devices communicatively coupled to at least one of the plurality of servers, each of the electronic devices being adapted to employ at least one of a plurality of update agents resident in the electronic device to update one of software and firmware in the electronic device, wherein the electronic device is also adapted to provision the plurality of update agents with parameters and data used to facilitate update operations in the electronic device. The Aghera reference is silent with regard to a plurality of update agents in an electronic device.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Aghera is different from and fails to anticipate the Applicant's invention as set forth in amended claim 1. Applicants believe that claim 1 is allowable over Aghera. Because claims 2-16 are dependent upon claim 1, Aghera is different from and fails to anticipate claims 2-16, as well. Therefore, claims 2-16 are also allowable over the Aghera reference. The Applicant respectfully requests that the rejection of claims 1-7, 9-11, 15, 16 under 35 U.S.C. §102(e), be withdrawn.

Regarding amended claim 17, the Applicants respectfully submit that the Aghera reference does not teach, suggest, or disclose, for example, a method employing a plurality of update agents in an electronic device in an electronic device network, the method comprising communicatively coupling a plurality of electronic devices to at least one of the plurality of servers, employing at least one of a plurality of update agents resident in the electronic device to update one of software and firmware in the electronic device, and provisioning the plurality of update agents with parameters and data used to facilitate update operations in the electronic device. The Aghera reference is silent with regard to a plurality of update agents in an electronic device.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Aghera is different from and fails to anticipate the Applicant's invention as set forth in amended claim 17. Applicants believe that claim 17 is allowable over Aghera. Because claims 18-31 are dependent upon claim 17, Aghera is different from and fails to anticipate claims 18-31, as well. Therefore, claims 18-31 are also allowable over the Aghera reference. The Applicant respectfully requests that the rejection of claims 17-20, 22, and 24-31 under 35 U.S.C. §102(e), be withdrawn.

Claims 8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over US2004/0098715A by Parixit Aghera et al. (hereinafter “Aghera”), in view of U.S. Patent No. 5,708,776 by Dan Kikinis (hereinafter “Kikinis”). The Applicants respectfully traverse the rejection. Regarding amended claim 8, the Applicants submit that Claim 8 is a dependent claim of independent claim 1. The Applicants also respectfully submit that independent claim 1 is allowable over the proposed combination of references. Because independent claim 1 is allowable, the Applicants assert that the dependent claim 8 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 8 be withdrawn.

Regarding amended claim 23, the Applicants submit that Claim 23 is a dependent claim of independent claim 17. The Applicants also respectfully submit that independent claim 17 is allowable over the proposed combination of references. Because independent claim 17 is allowable, the Applicants assert that the dependent claim 23 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 23 be withdrawn.

Claims 12-14 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over US2004/0098715A by Parixit Aghera et al. (hereinafter “Aghera”), in view of U.S. Patent No. 6,493,871 by Thomas D. McGuire (hereinafter “McGuire”). The Applicants respectfully traverse the rejection. Regarding amended claim 12, the Applicants submit that Claim 12 is a dependent claim of independent claim 1. The Applicants also respectfully submit that independent claim 1 is allowable over the proposed combination of references. Because independent claim 1 is allowable, the Applicants assert that the dependent claim 12 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 12 be withdrawn.

Regarding claim 13, the Applicants submit that Claim 13 is a dependent claim of independent claim 1. The Applicants also respectfully submit that independent claim 1 is

allowable over the proposed combination of references. Because independent claim 1 is allowable, the Applicants assert that the dependent claim 13 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 13 be withdrawn.

Regarding amended claim 14, the Applicants submit that Claim 14 is a dependent claim of independent claim 1. The Applicants also respectfully submit that independent claim 1 is allowable over the proposed combination of references. Because independent claim 1 is allowable, the Applicants assert that the dependent claim 14 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 14 be withdrawn.

Regarding claim 21, the Applicants submit that Claim 21 is a dependent claim of independent claim 17. The Applicants also respectfully submit that independent claim 17 is allowable over the proposed combination of references. Because independent claim 17 is allowable, the Applicants assert that the dependent claim 17 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 17 be withdrawn.

## **Conclusion**

The Applicants believe that all of pending claims 1-31 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

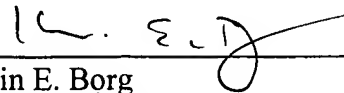
A Notice of Allowability is courteously solicited.



The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

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